



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD)No.25173 of 2018

M.Nagarajan @ Rajan : Petitioner
Vs.

- 1.The State of Tamil Nadu
The Principal Secretary,
Municipal Administration and Water Supply
Secretariat, Fort St. George,
Chennai 600 009.
 - 2.The Commissioner of Municipal Administration
Office of the Commissioner of Municipal Administration
The State of Tamil Nadu,
Chepauk, Chennai.
 - 3.The District Collector,
Office of the District Collector,
Madurai.
 - 4.The Commissioner
Office of the Commissioner
Madurai Corporation, Madurai.
 - 5.The Dean
Madurai Government Rajaji Hospital
Madurai District.
 - 6.The Executive Engineer,
(Buildings and Maintenance)
Public Works Department
Madurai.
- : Respondents

(R6 has been suo motu impleaded
vide order of this Court dated 09.01.2019)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondent Nos.1 and 2 to direct the respondent Nos.3 to 5 to prevent the sewerage water mixing in Vaigai river from the respondent No.5 hospital within time stipulated by this Court.



For Petitioner : Mr.R.Alagumani

Mr.Veera Kathiravan
(Amicus Curiae)

For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader
for R1 to 3, R5 & 6

Mr.R.Murali for R4

ORDER

(Order of the Court was made by T.RAJA., J)

This writ petition is also connected to the batch of cases relating to Vaigai River. But this matter has not been listed today. However, the learned counsel for the petitioner submitted that the writ petition has become infructuous and hence, the writ petition is taken on Board and disposed of.

2. This writ petition has been filed to direct the respondent Nos.1 and 2 to direct the respondents 3 to 5 to prevent the mixing of sewage water from the Government Rajaji Hospital into the Vaigai river.

3. When the matter is taken up for hearing, the learned Amicus Curiae, Mr.Veera Kathiravan submitted that he has inspected the backside of the hospital to see whether the allegations made by the writ petitioner was true and if so, what better steps could be taken to prevent the mixing of sewage water to Vaigai River. When he was undertaking his inspection along with the officials of the Public Works Department, Corporation officials in the presence of the writ petitioner and also the learned counsel for the petitioner Mr.R.Alagumani, he does not find any leakage from the Government Rajaji Hospital, as alleged by the petitioner. However, when he asked the petitioner to give details showing sufficient evidence as to whether there was any sewage water coming from the Rajaji Hospital that are let out into the river just behind the hospital, neither the petitioner nor the learned counsel is able to produce any evidence to show that their allegations are correct. As they have failed to substantiate the allegations, the writ petition may be dismissed, he submitted.

4. Mr.R.Murali, learned standing counsel for the Corporation, drawing our attention to Paragraph No.10 of the report stated that the allegations made by the petitioner is completely not substantiated, because, as on date, there is no such drainage water letting out from the Government Rajaji Hospital for the reason that



there is a proper underground drainage system made available in the Government Rajaji Hospital and thereby the sewage collected in the Government Hospital are connecting to eight channel points located at various places, as a result, all the sewage water from the Government Rajaji Hospital are properly taken care through the underground sewage system.

5. Therefore, accepting the report submitted by the Corporation that there is no such drainage water coming from the Rajaji Hospital to the Vaigai River, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary,
Municipal Administration and Water Supply
Secretariat, Fort St. George, Chennai 600 009.
- 2.The Commissioner of Municipal Administration
Office of the Commissioner of Municipal Administration
Chepauk, Chennai.
- 3.The District Collector,
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- 6.The Executive Engineer,
(Buildings and Maintenance)
Public Works Department, Madurai.

Order made in
W.P. (MD)No.25173 of 2018
Dated: 03.02.2020

RR

SDS (26.02.2020) 3P-7C